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DISCUSSION

The claims have been amended in a good faith attempt to overcome the rejections of the claims under 35 U.S.C. 112. Applicants deem the amendments to the claims to have made the rejections under 35 U.S.C. 112 moot.

None of the amendments to the claims have been entered to overcome any prior art reference of which Applicants are aware.

Claims 6, 12, 16, 19, 20 and 23 have been amended to indicate that the copolymer contains residues of acrylate and acrylonitrile. The term containing or comprising has been utilized in the claims in view of the teachings in the specification that the copolymer can contain other comonomers (see page 2, line 26 through page 3, line 11). The small amounts of comonomers provide certain properties to the copolymer. The specification at page 3, lines 7-11 teaches that certain comonomer residues should not be present in the copolymer. Applicants respectfully submit that the amendments to claims 6, 12, 16, 19, 20 and 23 overcome the rejection under 35 U.S.C. 112 over the constitution of the copolymer. Clearly, when monomers are polymerized, the copolymer contains residues of the various monomers. This is standard descriptive use in the art.

At page 3, under paragraph B) The Examiner has rejected the claims over the use of the term "fatty compounds". Applicants respectfully submit that the term "fatty compounds" is defined and exemplified in the specification beginning at page 3, line 14 extending to page 8, line 10.

Since a claim is supposed to be short, Applicants believe that it would not be proper to include the contents of the material set forth from page 3, line 14, to page 8, line 10, in describing the fatty compounds. Applicants request that the Examiner consider the nature of the claims should these materials be included in the claim. Appellants deem the term as used in the claims and as disclosed in the specification as suitable to point out to one skilled in the art the types of materials which are considered

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"fatty compounds".

Claims 7-11 and 19 have been amended to indicate that the percent by weight is based on the weight of the jointing compound. This limitation is supported in the specification at page 9, line 13. Appellants respectfully submit that a rejection of the claims over the exact entity has been overcome.

At page 3, paragraph D) of the Official Action, the Examiner has rejected claim 10 on the basis of redundant subject matter. Claim 10 has been amended to delete the redundant subject matter.

At page 3, paragraph E) of the Official Action, the Examiner states:
"The recited "fatty alcohols and derivatives thereof and having a molecular weight between 300 and 1,500" per claim 17 constitutes indefinite subject matter as per: a) the metes and bounds of "derivatives thereof" engender an indeterminacy in scope; b) it is not readily ascertainable if "number average" or weight average" is the qualifying entity for the recited "molecular weight", the two being substantially different. See also claim 19(b) relative to "derivatives thereof".

Applicants have not amended the claims to change the term "derivatives thereof" as was discussed in paragraph B) at page 3 of the Official Action.

The term "fatty compounds" having a molecular weight preferably between 300 and 1500 is disclosed in the specification at page 3, line 17. The description of the various compounds extends from page 3, line 14 through page 8, line 10 of the application. A perusal of the various materials would show one skilled in the art that the materials are generally defined compounds or mixtures of defined compounds. There would be no difficulty in determining the molecular weights of the various compounds or mixtures of compounds useful in the practice of the invention. Compounds like dimer or trimer fatty acids or alcohols while derived from these materials would be well known to one skilled in the art. The molecular weight of the dimer or trimer acids or alcohols would be well within the range set forth.

The specification at page 5, lines 17 and 18 teaches that certain oligomers of the

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fatty acids can be utilized in the process. As is well known in the art, oligomers are relatively short chain materials. As such, the weight average and the number average molecular weights would be similar. Claim 17 does not claim using high molecular weight polymers as the "fatty compounds" useful in the practice of the invention. This can clearly be seen from the exemplification of the various types of "fatty compounds" useful in the practice of the invention. Since end group determination would be used to determine the molecular weight of the oligomers, the molecular weight would be a number average.

Claim 20 has been amended to indicate that the component (a) is at least one copolymer comprising 85 to 90% by weight acrylate residues and 2 to 10% by weight acrylonitrile residues. Component (a) could be a mixture of various copolymers with different amounts of acrylate and acrylonitrile or different acrylates.

Claim 21 appears to be proper since it further limits the antecedent (b) in claim 19 by indicating that one or more fatty acid esters must be present. Claim 19 is broader than claim 21 in that the "fatty compounds" are described as a member of the group consisting of fatty acids, fatty alcohols and derivatives thereof. Although the esters are derivatives of the fatty acids, they are not specifically set forth in claim 19. Applicants respectfully request that the Examiner reconsider the rejection of claim 21 on the grounds of limitations of component (b). As claimed in claim 21, component (b) must contain fatty acid esters, but in addition can contain other "fatty compounds". Applicants respectfully request that the rejection be reconsidered and withdrawn.

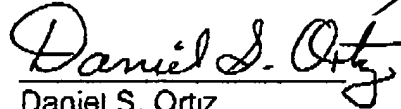
Claim 25 has been amended to overcome the Examiner's rejection in paragraph H) at page 4.

No prior art references have been cited against the claims.

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In view of the amendments entered in the claims and the above discussion,
Applicants respectfully submit that the application is in condition for allowance and
favorable consideration is requested.

Respectfully submitted,



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Version with Changes Shown

6. (Amended) A polyacrylate jointing compound comprised of:

- (a) one or more copolymers containing residues of at least one acrylate and residues of acrylonitrile, wherein the acrylate is an ester of acrylic acid and an alcohol containing 2 to 8 carbon atoms;
- (b) one or more fatty compounds as plasticizer; and
- (c) water;

wherein said polyacrylate jointing compound is in paste form.

7. (Amended) The polyacrylate jointing compound of claim 6 comprising 10 to 60% by weight of the jointing compound of component (a).

8. (Amended) The polyacrylate jointing compound of claim 6 comprising 0.2 to 15% by weight of the jointing compound of component (b).

9. (Amended) The polyacrylate jointing compound of claim 6 comprising 5 to 20% by weight of the jointing compound of water.

10. (Amended) The polyacrylate jointing compound of claim 6 additionally comprising at least one [or more additional] component[s] selected from the group consisting of fillers and pigments in an amount up to 70% by weight of the jointing compound.

11. (Amended) The polyacrylate jointing compound of claim 6 additionally comprising 0.3 to 5% by weight of the jointing compound of one or more auxiliaries

12. (Amended) The polyacrylate jointing compound of claim 6 comprising a copolymer of 85 to 98% by weight acrylate residues and 2 to 10% by weight acrylonitrile residues.

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16. (Amended) The polyacrylate jointing compound of claim 6 comprising a copolymer [of] comprising butyl acrylate residues and acrylonitrile residues.

19. (Amended) A polyacrylate jointing compound comprised of:

- (a) 10 to 60% by weight of one or more copolymers comprising residues of at least one acrylate and residues of acrylonitrile, wherein the acrylate is an ester of acrylic acid and an alcohol containing 2 to 8 carbon atoms;
- (b) 0.2 to 15% by weight of one or more fatty compounds selected from the group consisting of fatty acids, fatty alcohols and derivatives thereof;
- (c) one or more additional components selected from the group consisting of fillers and pigments, in an amount not greater than 70% by weight.
- (d) 0.3 to 5% by weight of one or more auxiliaries; and
- (e) 5 to 20% by weight of water;

wherein said polyacrylate jointing compound is in paste form; the percent by weight being based on the weight of the jointing compound.

20. (Amended) The polyacrylate jointing compound of claim 19 [comprising a] wherein (a) is at least one copolymer [of] comprising 85 to 98% by weight acrylate residues and 2 to 10% by weight acrylonitrile residues.

23. (Amended) The polyacrylate jointing compound of claim 19 comprising a copolymer [of] comprising butyl acrylate residues and acrylonitrile residues.

25. (Amended) A process for producing the polyacrylate jointing compound of claim 6 comprising: [a step wherein]

1) forming a mixture of component (b) [is added to] and component (a);

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2) adding with mixing components (c) and (d) in any order; and

3) adjusting viscosity of the jointing compound if necessary, by addition of water.